

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Palpu <i>et al.</i>	Confirmation No.:	1130
Appl No.:	10/539,427	Group Art Unit:	1609
Filed:	January 17, 2006	Examiner:	Anderson, Heather L.
For:	HERBAL SOFT DRINK (AS AMENDED)		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 10, 2007, in which the Examiner has required restriction between species A (two or more of the various herbals instantly claimed) and B (the list of fermenting agents listed in Claim 15). Applicant hereby provisionally elects without traverse to prosecute the species *Boerhaavia diffusa* and *Vitis vinifera* within species A and *Sacromyces* strain within species B, and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/edward r. ergenzinger/

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